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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/716,620

11/20/2003

Yoshio Noguchi

No.62

6350

21254

7590

03/17/2006

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EXAMINER

NGUYEN, TUAN N

ART UNIT

PAPER NUMBER

3751

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/716,620	<b>Applicant(s)</b> NOGUCHI ET AL.	
	<b>Examiner</b> Tuan N. Nguyen	<b>Art Unit</b> 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4-8 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) 7,12,14,17,19,20 and 22-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8,11,13,15,16,18 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Species I: Fig. 1 in the reply filed on 7/26/05 is acknowledged. The examiner agrees with the applicant's assertion that claims 1, 4-6, 8, 11, 13, 15, 1, 18 and 21 are readable thereon. Accordingly, claims 7, 12, 14, 17, 19, 20 and 22-24 are withdrawn from further consideration.

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 4-6, 8, 11, 13, 15, 16, 18 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitations "the tip" in line 2 of claim 1 and "the outside" in line 5 of claim 1 lack antecedent basis in the claim; therefore, it is unclear as to what is being considered as their structure.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-6, 8, 11, 13, 15, 16, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Felgentreu.

Felgentreu discloses a liquid container comprising a body having a main tank (8) in which liquid is stored, a supply outlet positioned at “the tip” of the body for supplying the liquid; a guiding portion (9) connecting the main tank and the supply outlet to guide the liquid from the main tank to the supply outlet; a liquid reservoir having an air flow port (11, 13) communicating with “the outside”, a liquid flow port (14) communicating with one of the main tank and the guiding portion, and a reservoir tank (4) for accumulating the liquid overflowing the main tank, wherein the reservoir tank stores the liquid on a side farther away from the supply outlet than the liquid flow port and the reservoir tank of the liquid reservoir is arranged outside in the radial direction of the main tank. The liquid flow port of the liquid reservoir is arranged on a side of the supply outlet before a connecting point between the main tank and the guiding portion. The main tank communicates with the external atmosphere only via the air flow port (11,13), the reservoir tank and the liquid flow port of the liquid reservoir. The reservoir tank is configured of a single passage extending from the liquid flow port to the air flow port. The passage is provided in a shape of proceeding in the axial direction while reciprocating in circumferential directions. The air flow port communicates with the exterior via an air passage and through an opening provided adjacent to the supply outlet (the groove above 14). The body has an outer cylinder and an inner cylinder

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concentrically arranged within the outer cylinder, and a groove formed on the outer circumferential face of the inner cylinder constitute the reservoir tank. In regard to claims 15, 16, 18 and 21, the Felgentreu further discloses the structure as claimed.

**Conclusion**


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baik and Maurer et al. also disclose a liquid container with overflow prevention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN

  
TUAN NGUYEN  
PRIMARY EXAMINER  
3/13/06